

1 COUGHLIN STOIA GELLER
2 RUDMAN & ROBBINS LLP
3 SHAWN A. WILLIAMS (213113)
AELISH M. BAIG (201279)
4 100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
5 shawnw@csgrr.com
aelishb@csgrr.com
6 – and –
7 TRAVIS E. DOWNS III (148274)
BENNY C. GOODMAN III (211302)
MARY LYNNE CALKINS (212171)
8 655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
9 travisd@csgrr.com
bennyg@csgrr.com
10 mollyc@csgrr.com
11

12 Co-Lead Counsel for Plaintiffs

13 [Additional counsel appear on signature page.]

SAXENA WHITE P.A.
MAYA SAXENA
JOSEPH E. WHITE
2424 N. Federal Highway, Suite 257
Boca Raton, FL 33431
Telephone: 561/394-3399
561/394-3382 (fax)
msaxena@saxenawhite.com
jwhite@saxenawhite.com

E-FILED - 3/13/08

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 In re FINISAR CORP. DERIVATIVE) Master File No. C-06-07660-RMW
LITIGATION)
18 _____) STIPULATION AND [] ORDER
This Document Relates To:) REVISING BRIEFING SCHEDULE FOR
ALL ACTIONS.) SECOND AMENDED CONSOLIDATED
) COMPLAINT AND DEFENDANTS'
) RESPONSE THERETO
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1 WHEREAS, further to this Court's Order Granting Defendants' Motions to Dismiss of
2 January 11, 2008, plaintiffs' Second Amended Consolidated Complaint was due to be filed on
3 January 31, 2008;

4 WHEREAS the parties have met and conferred and agreed to meet to discuss avenues of
5 possible resolution of the action;

6 WHEREAS, the parties have entered into one prior stipulation continuing this filing by one
7 month, from January 11, 2008 to February 29, 2008;

8 WHEREAS, the parties need additional time to discuss the avenues of resolution of this
9 action and the parties have met and conferred and agree that plaintiffs shall file a Second Amended
10 Consolidated Complaint by no later than April 4, 2008; and

11 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
12 efficiency, and will not cause prejudice to any party;

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and defendants,
14 through their respective counsel of record subject to approval of the Court as follows:

15 1. Plaintiffs shall have until no later than April 4, 2008 to file and serve a Second
16 Amended Consolidated Complaint which will supersede all existing complaints filed in these
17 actions;

18 2. Defendants shall answer or otherwise respond to the Second Amended Consolidated
19 Complaint no later than May 19, 2008; and

20 3. In the event that defendants file and serve any motion directed at the Second
21 Amended Consolidated Complaint, plaintiffs shall file and serve their opposition no later than July 2,
22 2008.

23 4. Defendants shall file and serve their reply no later than August 1, 2008.

24 5. Hearing on Motion shall be set for August 22, 2008 @ 9:00 a.m.

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1 IT IS SO STIPULATED.

2 DATED: February 28, 2008

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SHAWN A. WILLIAMS
AELISH M. BAIG

5 _____/s/
6 AELISH M. BAIG

7 100 Pine Street, Suite 2600
8 San Francisco, CA 94111
9 Telephone: 415/288-4545
10 415/288-4534 (fax)

11 COUGHLIN STOIA GELLER
12 RUDMAN & ROBBINS LLP
13 TRAVIS E. DOWNS III
14 BENNY C. GOODMAN III
15 MARY LYNNE CALKINS
16 655 West Broadway, Suite 1900
17 San Diego, CA 92101
18 Telephone: 619/231-1058
19 619/231-7423 (fax)

20 SAXENA WHITE P.A.
21 MAYA SAXENA
22 JOSEPH E. WHITE

23 _____/s/
24 JOSEPH E. WHITE

25 2424 N. Federal Highway, Suite 257
26 Boca Raton, FL 33431
27 Telephone: 561/394-3399
28 561/394-3382 (fax)

Co-Lead Counsel for Plaintiffs

1 GUTRIDE SAFIER LLP
2 ADAM J. GUTRIDE
3 SETH A. SAFIER

4 _____/s/
5 ADAM J. GUTRIDE

6 835 Douglass Street
7 San Francisco, CA 94114
8 Telephone: 415/271-6469
9 415/449-6469 (fax)

10 Additional Counsel for Plaintiffs

11 DATED: February 28, 2008
12 DLA PIPER
13 DAVID A. PRIEBE

14 _____/s/
15 DAVID A. PRIEBE

16 2000 University Avenue
17 East Palo Alto, CA 94303
18 Telephone: 650/833-2000
19 650/833-2001 (fax)

20 Attorneys for Defendants

21 DATED: February 28, 2008
22 THE HOYLE LAW FIRM
23 LAWRENCE F. HOYLE, JR.

24 _____/s/
25 LAWRENCE F. HOYLE, JR.

26 One South Broad Street, Suite 1500
27 Philadelphia, PA 19107-3418
28 Telephone: 215/981-5700
29 215/981-5959 (fax)

30 Attorneys for Defendant Richard Lieb

31 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
32 STIPULATION AND [PROPOSED] ORDER REVISING BRIEFING SCHEDULE FOR SECOND
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34 STIP AND [] ORDER REVISING BRIEFING SCHEDULE FOR SECOND AMENDED
35 CONSOLIDATED COMPLAINT AND DEFENDANTS' RESPONSE THERETO - C-06-07660-RMW

1 AMENDED CONSOLIDATED COMPLAINT AND DEFENDANTS' RESPONSE THERETO. In
2 compliance with General Order 45, X.B., I hereby attest that Joseph E. White, Adam J. Gutride,
3 David A. Priebe, and Lawrence F. Hoyle, Jr. have concurred in this filing.

4 _____ /s/
5 AELISH M. BAIG

6 * * *

7 **O R D E R**

8 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
9 GRANTS the parties' Stipulation.

10 IT IS SO ORDERED.

11 DATED: 3/13/08

Ronald M. Whyte

12 THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 28, 2008.

/s/
AELISH M. BAIG

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail:Aelishb@csgrr.com

Mailing Information for a Case 5:06-cv-07660-RMW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Aelish Marie Baig**
AelishB@csgrr.com
- **Travis E. Downs , III**
travisd@csgrr.com,e_file_sd@csgrr.com
- **Lester Rene Hooker**
lhooker@saxenawhite.com,amccook@saxenawhite.com,e-file@saxenawhite.com
- **Lawrence T. Hoyle , Jr**
lhoyle@hoylelawfirm.com
- **William S. Lerach**
e_file_sf@lerachlaw.com
- **Alan Roth Plutzik**
aplutzik@bramsonplutzik.com
- **David Allen Priebe**
david.priebe@dlapiper.com,stacy.murray@dlapiper.com
- **Seth Adam Safier**
seth@gutridesafier.com
- **Shirli Fabbri Weiss**
shirli.weiss@dlapiper.com
- **Shawn A. Williams**
shawnw@csgrr.com,khuang@csgrr.com,moniquew@csgrr.com,e_file_sf@csgrr.com,cwood@csgrr.com
- **Monique C. Winkler**
shawnw@csgrr.com,travisd@csgrr.com,e_file_sd@csgrr.com,E_File_SF@csgrr.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Darren Jay Robbins
Coughlin Stoia Geller Rudman & Robbins LLP

655 West Broadway
Suite 1900
San Diego, CA 92101